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209202

October 23, 2003

The Honorable Vernon A. Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423

Dear Secretary Williams:

Re: Petition for Declaratory Order of the Port Authority of New York and New
Jersey; F.D, 34428

On October 22, the Port Authority filed with the Board an original and ten copies of the Petition For Declaratory Order of the Port Authority of New York and New Jersey. This Petition relates to the proposed construction of certain infrastructure improvements within the North Jersey Shared Assets Area. Page 11 of that document contains an error in that the word "not" is omitted from line 11. Enclosed herewith is a corrected page 11 including the word not at the appropriate location. Also enclosed is a corrected 3.5 inch disk in WordPerfect 9.0.

Please note this correction as appropriate. I apologize for the inconvenience.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Paul M. Donovan'.

Paul M. Donovan

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Office of Proceedings

OCT 24 2003

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Public Record

Attorney for the Port Authority Of
New York and New Jersey

On August 13, 2002, the City Council of Elizabeth, New Jersey noticed a request from the City Attorney that the City of Elizabeth execute an agreement with the Port Authority allowing for the relocation of Bayway Avenue and the relocation of certain utilities within Elizabeth.⁸ The purpose of these relocations was to allow for the construction of the Connector. On January 28, 2003,⁹ the City, after public notice, issued a resolution entering into that agreement. Those most concerned with the Connector, the citizens of the City of Elizabeth, have already been notified of the construction of the Connector, and have supported its construction.

V. CONCLUSION

In view of the foregoing, the Port Authority requests a Declaratory Order from the Board reflecting a determination that the construction and operation of the Connector will not constitute an extension of a line of railroad nor the construction of an additional line of railroad subject to the jurisdiction of the Board under 49 U.S.C. § 10901 (a). Further, the Port Authority respectfully requests that such determination be made expeditiously so that the SIRR reactivation project may advance as quickly as possible.

⁸ See, Exhibit 7 hereto.

⁹ See Exhibits 8 and 9 hereto.